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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,623	11/13/2003	Sandra Lynn True	LUTZ 2 00236	2152
48116	7590	02/18/2009		
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The Halle Building				
Cleveland, OH 44115-1843				
EXAMINER				
DESIR, PIERRE LOUIS				
ART UNIT		PAPER NUMBER		
2617				
MAIL DATE		DELIVERY MODE		
02/18/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/712,623

Applicant(s)

TRUE ET AL.

Examiner

PIERRE-LOUIS DESIR

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,7,8,10-15,17 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5,7,8,10-15,17 and 21-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 7, 10-12, 14-15, 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (Wang), US 20050018833 A1 in view of Infosino, US 6738467 B1

Regarding claim 1, Wang discloses a method and system comprising a wireless communications network determining that the called party terminal line is busy (i.e., the telephone network determines whether the direct number of the call destination is busy) (see paragraph 55);

the wireless communications network starting a called party call pickup timer (i.e., when the direct number of the call destination is busy, the process is directed to generating and delivering a call notification, wherein the call notification is generated and delivered when the call to the direct number of the call destination phone is not answered after a predetermined number of rings (i.e., called party pickup timer) (see paragraph 54); the wireless communications

network determining that the called party terminal has call waiting (i.e., determines whether the direct number of the call destination phone is registered for the call waiting service) (see paragraph 56); the wireless communications network prompting the calling party to leave a message for the called party (i.e., the call may be forwarded to a voice mail system wherein an audio message (i.e., prompt) that corresponds to the voicemail option will be sent to the caller) (see paragraph 11).

Although Wang discloses a method and system as described, Wang does not specifically disclose a method and system comprising a wireless communications network delivering a "call waiting no answer" message to the calling party terminal notifying the calling party that the called party has call waiting after the call pickup timer expires; the wireless communications network storing the message from the calling party on the wireless communications network; he wireless communications network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy; and the wireless communications network delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy.

However, Infosino discloses a method and system an announcement may indicate to a caller that the line for the called party is currently busy and the caller may either press "1" to send a call-waiting alert signal to the called party, or may press "2" to record a message that will be delivered to the called party as soon as the called party's line becomes available. Such an announcement, hereinafter called a "call-waiting announcement" may be a generic announcement that is delivered to all callers in waiting attempting to reach any call waiting subscriber (i.e., call waiting no answer and message prompt to leave a message) (see col. 3, line

61-col. 4, line 15, col. 5, lines 32-41). Infosino also discloses a storage area that contains voice mailboxes that store recorded messages for call waiting subscribers (see col. 4, lines 25-30, and col. 5, lines 32-41).

Infosino also discloses that if it is determined that the line remains seized throughout the message recording process, communication switch 105 continues to monitor the line after the message recording process is terminated, communications switch 105 continues to monitor line until the line becomes available. Immediately after the line becomes available, communications switch 105 applies a ringing tone to the call waiting subscriber's telephone set while simultaneously sending a call processing message to voice information system 109 to trigger the delivery of the recorded message to the call waiting subscriber. The call processing message includes the call waiting subscriber's telephone number that is used by voice information system 109 to retrieve from storage area 107 the recorded message from the voice mail box associated with that telephone number (see col. 5, lines 32-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Infosino with the teachings of Wang to arrive at the claimed invention. A motivation for doing so would have been to properly process a call in waiting and to improve the flow of communication, and to assure the caller that the recorded message will be delivered to the call-waiting subscriber upon availability of the-waiting subscriber's line.

Regarding claim 5, the combination of Wang and Infosino discloses a method (see claim 1 rejection) further comprises storing the message from the calling party in the called party's voice mail (see Wang's paragraph 57 and Infosino's col. 4, lines 25-30, and col. 5, lines 32-41).

Regarding claims 7 and 25, the combination of Wang and Infosino discloses a method and system (see claims 1 and 17 rejections) wherein the call pickup timer includes a predetermined number of rings (see Wang's paragraph 26).

Regarding claim 10, Wang discloses a method (see claim 1 rejection) further comprising allowing the called party to disable the method of message delivery thereby preventing the delivering, prompting and storing steps (i.e., the call processing options may include an option to forward the call to another phone number, and option to take a message from a calling party, and option to ignore the call, and an option to send an audio message) (see paragraph 10).

Regarding claim 11, Wang discloses a method (see claim 1 rejection) further comprising allowing the calling party to enable the method of message delivery thereby enabling the delivering, prompting and storing steps (see paragraph 10).

Regarding claim 12, the combination of Wang and Infosino discloses a method (see claim 11 rejection) further comprising allowing the calling party to enable the method of message delivery thereby enabling the delivering, prompting and storing steps even if the calling party does not have call waiting (i.e., an announcement may indicate to a caller that the line for the called party is currently busy and the caller may either press 1 to send a call-waiting alert signal to the called party or may press "2" to record a message that will be delivered to the called party (see col. 3, line 61-col. 4, line 15, col. 5, lines 32-41). Therefore, one skilled in the art would have found it obvious that the caller will be given the above options whether or not the caller has call waiting).

Regarding claim 14, Wang discloses a method (see claim 1 rejection) wherein the called party is using a cellular terminal (see paragraph 32).

Regarding claim 15, the combination of Wang and Infosino discloses a method (see claim 1 rejection) wherein the called party is using a wireline terminal (see Infosino's fig. 1).

Regarding claim 21, the combination of Wang and Infosino discloses a method (see claim 1 rejection) wherein the step of the network determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy includes using a called party inter-MSC on-hook message indicating that the called party terminal's line is no longer busy (see Infosino's col. 5, lines 39-61).

Regarding claim 22, the combination of Wang and Infosino discloses a method (see claim 1 rejection) wherein the step of delivering the message from the calling party to the called party terminal when the called party terminal's line is no longer busy includes ringing the called party terminal and delivering the stored message when the called party picks up (i.e., applying a ringing tone to the telephone) (see Infosino's col. 5, lines 39-61).

Regarding claim 23, the combination of Wang and Infosino discloses a method (see claim 17 rejection) wherein the means for determining that an undelivered message awaits the called party after the called party terminal's line is no longer busy uses a called party inter-MSC on-hook message indicating that the called party terminal's line is no longer busy (see Infosino's col. 5, lines 39-61).

Regarding claim 24, the combination of Wang and Infosino discloses a method (see claim 17 rejection) wherein the means for delivering the message from the calling party to the called party terminal when the called party terminal line is no longer busy includes means for ringing the called party terminal and means for delivering the stored message when the called party picks up (i.e., applying a ringing tone to the telephone) (see Infosino's col. 5, lines 39-61).

4. Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Infosino, further in view of Malik, US 5974131 A.

The combination of Wang and Infosino discloses a method and system as described (see claims 1 and 17 rejections).

Although the combination discloses a method and system as described, the combination does not specifically disclose a method wherein the call pickup timer includes a predetermined time period.

However, Malik discloses a method and system wherein the call pickup timer includes a predetermined time period (i.e., If the incoming call is not answered within a predetermined time or a predetermined number of rings then, in step 211, the call is forwarded to the specified destination, along with a "no answer" status indication) (see col. 8, lines 8-34).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Malik with the teachings disclosed by Wang and Infosino to arrive at the claimed invention. A motivation for doing so would have been to properly process a call in waiting and to improve the flow of communication.

5. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Infosino, further in view of Lin et al. (Lin), US 7184527 B1.

The combination of Wang and Infosino discloses a method as described above (see claim 11 rejection).

Although the combination discloses a method as described above, the combination does not specifically disclose a method wherein the calling party can enable the method of message delivery thereby enabling the delivering, prompting and storing steps even though the called party has disabled the feature.

However, Lin discloses a method wherein when call waiting is disabled incoming calls are sent to a central office based voice mail (see col. 1, lines 24-35). Thus, one skilled in the art would have found it obvious that once the call is forwarded to a voicemail system, the caller would have the ability to leave a message for the called party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as disclosed by Lin with the teachings disclosed by Wang and Infosino to arrive at the claimed invention. A motivation for doing so would have been to properly process a call in waiting and to improve the flow of communication.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PIERRE-LOUIS DESIR whose telephone number is (571)272-7799. The examiner can normally be reached on Monday-Friday 9:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne Bost can be reached on (571)272-7023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Pierre-Louis Desir/
Examiner, Art Unit 2617

/Dwayne D. Bost/
Supervisory Patent Examiner,
Art Unit 2617